II. REMARKS

By this response applicant has amended claims 3, 5, 10, and 15, canceled claim 4 and added new claim 20 for examination.

Regarding the rejection of Claims 3-5, 10, 12, 13, 15, and 17-19 under 35 U.S.C. §112, first paragraph, Applicant requests reconsideration of these rejections in view of the previously filed Declarations of Eero Koivula and Simo Mäenpää, the interviews with the Examiner by Mark Lorbiecki, Esq. according to the Interview Summary dated February 22, 2007 and the specification herein.

Specifically, the Examiner should note that the specification says in Chapter 0010 quite clearly that "On the basis of the strength of the received signal, i.e., in practice on the basis of the field intensity, it is possible to define the distance between the transmitter and the receiver in a known manner." This fact is also disclosed in the Declaration of Mr. Eero Koivula at Paragraph 4, filed previously. Mr. Koivula says further in his Declaration that the dependence of the field strength on the distance from the transmitter is well known in the field (Paragraph 4 in the Declaration). Mr. Koivula says even further that "the implementation relies on secondary features present in the output signals of commercially available heart rate monitors. Figures 3 and 4 in the patent application depict electronic signal shaping stages, such as (low pass) filters. These stages are included in commercially available receivers, to better serve their primary purpose of heart rate monitoring."

BLACK LOWE & GRAHAM PLLC
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

The words of Mr. Koivula prove that the data needed for location is already included in the commercially available equipment, and that the theory (the dependence of the field strength on the distance from the transmitter) on which the invention is based is well known in the field. The gist in the present invention is that non-one before the present invention has realized that said data can be used for location purposes, i.e., the key in the present invention is that the desired information is present as a secondary feature in the digital outputs of commercially available heart rate monitors. The implementations of pulse width measurement of a digital signal requires only basic level skills in digital electronics (i.e. said matters can clearly be considered within a normal technical knowledge of a person skilled in the art), that is why individual electronics needed for said purpose is not described in detail in the present application in this connection please see also Paragraphs 5,6 and 7 in the Declaration of Mr. Koivula.

Regarding the rejection of claims 3, 10, 12, and 15 under 35 U.S.C § 112 second paragraph, Applicant contends that these rejections are obviated by the amended claims presented herein.

Regarding the rejection of claims 3-5, 10, 12-13, 15 and 17-19 as being obvious over Hunt in view of Friedman, Hurt describes a treadmill in which a heart rate monitor is used in a traditional way, i.e. the purpose of the heart rate monitor is to help the person using the exercise treadmill to maintain his or her heart rate within a desired range. In other words, system used measures heart rate signals obtained and the automatically adjust the speed and/or the incline of the assembly to increase or reduce the intensity of the exercise. In this connection please see Hurt, column 12, lines 27-42. According to our understanding Hurt does not say a single word as regards the use of signals obtained from the heart rate monitor for location purposes.

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701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

PCT document WO 98/36400 (Friedman) describes on page 15 the use of proximity sensor. Proximity sensors have however nothing to do with the present invention. As told above the idea in the present invention is to use information, which is present as a secondary feature in the digital output signal of commercially available heart rate monitor. The combination of Hurt and Friedman leads to something else than the present invention, i.e. to a system using a heart rate monitor and proximity sensors. In this connection we would like once more to emphasize that in the present invention no proximity sensors are needed by the information, which is (and has always been) present in the digital out put of the heart rate monitor is used for location purposes. No one before the present invention has realized that said information can be used for location purposes in the way as described in the present application.

Regarding the rejection of claims 3-5, 10, 12-13, 15 and 17-19 as being obvious over Huish, et al., or Trulaske, et al., in view of Shyu, the Examiner should note that Shyu describes a device in which the data sensed by slope counter, distance counter and ultrasonic detecting device serves as reference for controlling the slope and the speed (see Shyu, column 4, lines 23-26). Shyu says further in column 4 at lines 30-35 that the data obtained from a pulse rate detector is used only for obtaining pulse rate data, i.e. Shyu is completely silent as regards the use of said pulse rate data for location purposes. In view of these facts we believe that the Examiner's finding with respect to Huish, Trulaske and Shyu is based entirely on hindsight.

Referring further to the Examiner's comments in Section 5 concerning Applicant's disclosure, the inventor was clearly referring to the fact that he used widely known theory when processing the signal obtained. The point is, however, that no one before the invention has realized that the desired information is already present as a secondary feature in the digital output signals of

701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

commercially available heart rate monitors just as Mr. Koivula says in his Declaration. Therefore, no extra sensors for location purposes are needed in the present invention.

Finally, regarding the rejection of claims 3-5, 10, 12-13, 15 and 17-19, Applicant reasserts the arguments made in his Amendment and Response dated November 24, 2004, to the rejection of claims 3-14 based on the same references and requests reconsideration of the rejection.

DATED this 16th day of October, 2007.

Respectfully submitted,

BLACK LOWE & GRAHAM PLLC

H. Albert Richardson, Esq.
Registration No. 27,701

HAR/ws:bjr

BLACK LOWE & GRAHAM PLLC
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

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Dated: Oct. 16, 2007

Brenda Ruthrauff
Signature

Brenda Ruthrauff
Printed or Typed Name

BLACK LOWE & GRAHAM PLLC
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301